

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 11, 2006. Initially, claims 3, 5, 8 to 11, 14, 15, 19 to 21, 24, 25, 29 to 31, 34, 35 and 39 to 41 have been cancelled herein, without prejudice or disclaimer of subject matter, and claim 42 has been newly added herein. Claims 1, 2, 4, 6, 7, 12, 13, 16 to 18, 22, 23, 26 to 28, 32, 33 and 42 remain in the application, of which claims 1, 12, 22 and 32, the independent claims, have been amended herein. Reconsideration and further examination are respectfully requested.

Initially, the applicants' undersigned representative thanks Examiner Ouellette for the thoughtful courtesies and kind treatment afforded during the personal interview conducted on June 30, 2006. In the interview, a proposed amendment to the independent claims was discussed, in particular the feature that the metric comprises 'an indicator of organizational performance toward a predefined goal.' Although no agreement was reached regarding the allowability of each of the independent claims based upon this proposed claim amendment, applicants' undersigned representative and Examiner Ouellette conducted a fruitful discussion of other specific features and elements already disclosed in the specification which could be used to further distinguish the independent claims. Based upon this discussion, the independent claims have been amended herein to further clarify the substance of several additional features, as described below, and are therefore believed to be allowable over the applied reference.

Claim 42 has been added to further clarify that at least one of the plurality of metrics corresponds to a number of new customers, an employee turnover rate, a customer satisfaction rating, a non-deployed percentage, a development rate, a leading edge technology sales, a use of online development, a percent increase in global sales, and/or a proposed project revenue. Since support for this newly-clarified feature is found throughout the disclosure, including at least the paragraphs that begin on line 16 of page 5, and line 4 of page 17, the applicants respectfully maintain that no new matter has been added.

In the Office Action, claims 1 to 41 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication No. 2002/0111887 ("McFarlane"). As indicated above, claims 3, 5, 8 to 11, 14, 15, 19 to 21, 24, 25, 29 to 31, 34, 35 and 39 to 41 have been cancelled herein,

without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejection. Furthermore, independent claims 1, 12, 22 and 32 have been amended herein to further clarify the many features of the invention. Support for these newly-clarified features is found throughout the disclosure, including at least pages 17 to 21 of the specification, and Figures 6 to 7N. Withdrawal of the § 102 rejection and further examination are respectfully requested.

According to the present disclosure, human performance related data is obtained from at least one remotely located application service provider, and the data is organized into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category. A user-modifiable individual, group or enterprise metric is added to the plurality of metrics, a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics is displayed, and a metric section operable to view the user-modifiable individual, group and enterprise metrics is displayed. An intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics is displayed, and an interpretation of the data is prepared and organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings. An analysis section operable to graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark is displayed, and a list of metrics in the metric category and the recommended action or estimated cost savings is displayed. A survey is generated based upon the recommended action.

Referring to particular claim language, independent claim 1 recites a method including obtaining human performance related data from at least one remotely located application service provider, and organizing the data into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized

business goals, respectively, the plurality of metrics organized by metric category. The method also includes adding a user-modifiable individual, group or enterprise metric to the plurality of metrics, displaying a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics, and displaying a metric section operable to view the user-modifiable individual, group and enterprise metrics. The method further includes displaying an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics, and preparing an interpretation of the data organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings. The method also includes displaying an analysis section operable to graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark, and to display a list of metrics in the metric category and the recommended action or estimated cost savings, and generating a survey based upon the recommended action.

Independent claim 12 recites a system including at least one remotely located application service provider, and a local processor device. The processor device is configured to obtain human performance related data from the at least one remotely located application service provider, and organize the human performance related data into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category. The processor device is also configured to add a user-modifiable individual, group or enterprise metric to the plurality of metrics, display a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics, and display a metric section operable to view the user-modifiable individual, group and enterprise metrics. The processor device is also configured to display an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics, prepare an interpretation of the human performance related data organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings, and display an analysis section operable to graphically display individual, group or enterprise performance of a

metric category in comparison to an industry benchmark, and to display a list of metrics in the metric category and the recommended action or estimated cost savings. The processor device further generates a survey based upon the recommended action.

Independent claim 22 recites an apparatus including a processor, and a memory unit. The processor is configured to obtain human performance related data from at least one remotely located application service provider, and organize the human performance related data into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category. The processor is also configured to add a user-modifiable individual, group or enterprise metric to the plurality of metrics, display a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics, and display a metric section operable to view the user-modifiable individual, group and enterprise metrics. The processor is further configured to display an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics, prepare an interpretation of the human performance related data organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings, and display an analysis section operable to graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark, and to display a list of metrics in the metric category and the recommended action or estimated cost savings. The processor is also configured to generate a survey based upon the recommended action.

Independent claim 32 recites an article including a computer-readable medium that stores computer executable instructions for causing a computer system to obtain human performance related data from at least one remotely located application service provider, and organize the human performance related data into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each

comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category. The computer executable instructions also cause the computer system to add a user-modifiable individual, group or enterprise metric to the plurality of metrics, display a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics, and display a metric section operable to view the user-modifiable individual, group and enterprise metrics. The computer executable instructions further cause the computer to display an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics, and prepare an interpretation of the human performance related data organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings. Moreover, the computer executable instructions also cause the computer to display an analysis section operable to graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark, and to display a list of metrics in the metric category and the recommended action or estimated cost savings, and generate a survey based upon the recommended action.

The applied art is not seen to disclose, teach, or to suggest the foregoing features recited by the independent claims. In particular, McFarlane is not seen to disclose at least the features that *i*) the data is organized into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category *ii*) a user-modifiable individual, group or enterprise metric is added to the plurality of metrics, a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics is displayed, *iii*) a metric section operable to view the user-modifiable individual, group and enterprise metrics is displayed, *iv*) an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics is displayed, *v*) an interpretation of the data is prepared and organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings *vi*) an analysis section operable to

graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark is displayed, *vii*) a list of metrics in the metric category and the recommended action or estimated cost savings is displayed and *vii*) a survey is generated based upon the recommended action.

McFarlane discloses the monitoring of an employee's online activity, to assure that employees are not spending too much company time on personal matters, and to prevent available computer resources from being consumed by non-company or personal online activity. *See* McFarlane, ¶ [0006]; and Abstract. When a manager requests information summarizing firewall log file information, for example, the manager sees a table showing his summary usage information and the summary information for all employees under his management. *See* McFarlane, ¶¶ [0010] and [0024]. As shown in Tables 1 to 9, the summarizing firewall log file information includes connection times, connected web sites, electronic mail details, and similar details which would help a manager detect the misuse of corporate computer resources. *See* McFarlane, Tables 1 to 9. The approaches described by McFarlane, which track worker abuse, are seen to be eminently distinguishable than those described by the independent claims, which track the performance of an organization toward strategic goals, such as generating new customers and increasing customer satisfaction ratings. Moreover, the summarizing of firewall log file information is not seen to be an indicator of organizational performance toward a predefined workforce business goal; in fact, the information described by McFarlane is seen to track ancillary activity, such as activity which would hinder or prevent an employee from working toward a workforce business goal. Thus, McFarlane and the present invention are seen to have antithetical purposes and, correspondingly, each describe opposing approaches.

Accordingly, McFarlane is not seen to describe, nor does the Office Action even allege that McFarlane describes, at least the feature that *i*) the data is organized into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category *ii*) *a* user-modifiable individual, group or enterprise metric is added to the

plurality of metrics, a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics is displayed, *iii*) a metric section operable to view the user-modifiable individual, group and enterprise metrics is displayed, *iv*) an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics is displayed, *v*) an interpretation of the data is prepared and organized into the plurality of metrics, the interpretation including a recommended action or an estimated cost savings *vi*) an analysis section operable to graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark is displayed, *vii*) a list of metrics in the metric category and the recommended action or estimated cost savings is displayed and *viii*) a survey is generated based upon the recommended action.

Accordingly, based on the foregoing amendments and remarks, independent claims 1, 12, 22 and 32 are believed to be allowable over the applied reference. The remaining rejected claims in the application are each dependent on these independent claims and are believed to be allowable for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance and such action is courteously solicited.

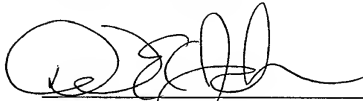
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The fees in the amount of \$50.00 for the excess claims are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06 1050.

Respectfully submitted,

Date: August 11, 2006

A handwritten signature in black ink, appearing to read 'David E. A. Jordan', written over a horizontal line.

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